

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Roger Durand, Linda Durand,
and Priscilla Durand,

Court File No.: 15-cv-02102 (RHK/SER)

Plaintiffs,
vs.

**AMENDED MOTION TO EXCLUDE
PORTIONS OF EXPERT TESTIMONY**

Fairview Health Services,

Defendant.

Plaintiffs, by and through their undersigned counsel, pursuant to Federal Rules of Evidence 702 and 704; as well as Local Rule 7.1(c)(6)(d), hereby move the Court to:

1. Limit Defendant's proffered expert witness Anna Witter-Merithew's testimony to opining only on the following issues:
 - (a) Plaintiff Priscilla Durand's interpreting ability;
 - (b) the process of interpreting;
 - (c) the various problems and ethical considerations that may arise when Children of Deaf Adults ("CODAs") interpret for their parents; and
 - (d) the number and percentage of certified sign language interpreter nationwide;
2. Exclude Defendant's expert, John C. McGinty, Jr., FACHE, proffered report and testimony in its entirety; and
3. For any such other and further relief as the Court may deem appropriate pursuant to Rules 702 and 704 of the Federal Rules of Evidence.

This Motion is based upon the oral arguments of counsel, the legal memoranda, and the exhibits filed and served herewith, together with all of the files, records, and proceedings herein.

DATED: September 2, 2016

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